

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

ROBERT DADE
PLAINTIFF

v.

BOLAND BUILDERS, INC.,
THOMAS M. BOLAND, STUART JONES
AND MARY ROSE JONES
DEFENDANTS

CIVIL ACTION NO. 04-30172-MAP

**DEFENDANTS STEWART JONES AND MARY ROSE JONES'
STATEMENT OF MATERIAL FACTS**

1. Boland Builders, Inc. was hired by Stewart and Mary Rose Jones to complete various renovations to their home located at 169 Worthington Road in Huntington, Massachusetts. *Transcript of Deposition of Mary Rose Jones, Exhibit "A" at pp. 10-12.*
2. Robert Dade was hired as a subcontractor to Seamless Metals which had been subcontracted by Boland Builders to roof the buildings involved in the renovation project. *Plaintiff's Supplemental Answers to Interrogatories, Exhibit "B" at Nos. 5 and 9.*
3. On or about September 7, 2001, Robert Dade was injured when he fell through a hole in the roof of the addition to the Jones' home. *Exhibit "B" at Nos. 3 and 4.*
4. Prior to Robert Dade's fall, Boland Builders had put plywood on the roof of the addition, cut out holes for skylights and put tarpaper over the plywood and the holes. *Transcript of Deposition of Thomas Boland, Exhibit "C" at pp. 17-21.*
5. Thomas Boland marked the location of the skylight holes with grey pencil. *Exhibit "C" at 25-26.*
6. After the skylights had been cut and before Mr. Dade's fall, Thomas Boland stood in the kitchen of the Jones' home with Robert Dade and showed him exactly where the holes for the anticipated skylights were. *Exhibit "C" at pp. 18-25; Exhibit "A" at pp. 17-18, 25 and Transcript of Deposition of Stewart Jones, Exhibit "D" at pp. 8-10, 16-17.*
7. The defendants Stewart and Mary Rose Jones are not contractors, did not retain the right to control any of the work completed on the project and did not assume responsibility for worksite safety.

Respectfully submitted:



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CERTIFICATE OF SERVICE

I, Daniel H. Rider, Jr. Esq., do hereby certify that on February 17, 2006, I have caused a copy of the foregoing document to be served on the parties to the action by mailing, on the above date, a copy, postage prepaid to: John A. Cvejanovich, Esquire, O'Connell Flaherty & Attmore, 1350 Main Street, Springfield, MA 01103 and Nancy Frankel Pelletier, Esq., Robinson Donovan P.C., 1500 Main Street, Suite 1600, Springfield, MA 01115.



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